



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **15.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.614 of 2017

and

C.M.P (MD) .No.5108 of 2017

The Executive Officer,
Sri Ramapuram Town Panchayat,
Dindigul District.

: Appellant

Vs.

1.A.R.Karuppiyah

2.The District Collector,
Dindigul District.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 03.10.2016 made in W.P.(MD).No.8800 of 2016, on the file of this Court.

Prayer in WP(MD) . 8800/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the second respondent dated 12.04.2016 in Na.Ka.No.451/2013 and set aside the same as illegal and consequently direct the second respondent to provide water connection to the petitioner either new water connection nor transfer the existing water connection No.110 to him within a time as may be fixed by this Honourable Court.

For Appellant : Mr.S.Kumar

For Respondent No.1 :Mr.V.Sasikumar

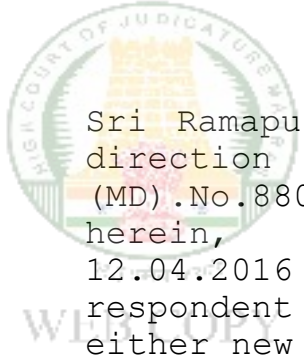
For Respondent No.2 :Mr.VR.Shanmuganathan
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Kumar, learned counsel appearing for the appellant and Mr.V.Sasikumar, learned counsel appearing for the first respondent and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the second respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission

2. This Writ Appeal has been filed by the Executive Officer,



Sri Ramapuram Town Panchayat, Dindigul District, aggrieved by the direction issued by the Writ Court dated 03.10.2016 made in W.P. (MD).No.8800 of 2016, which was filed by the first respondent herein, challenging the proceedings of the appellant dated 12.04.2016 and for a consequential direction to the second respondent to provide water connection to the first respondent either new connection or transfer the existing water connection from door No.110 to him.

3. The learned counsel for the appellant would contend that the grant of water connection can be considered, but, what the first respondent seeks is transfer of existing water connection from Door No.110 to Door No.7-B, which is not feasible consideration and there is no provision for effecting such transfer. Further, on instructions, the learned counsel for the appellant would submit that if the first respondent submits a fresh application seeking new water connection, it will be considered by the Town Panchayat. Further, it is brought to the notice of this Court that the name, in which the water connection stands as-on-date, is also different and therefore, the request of the first respondent for transfer of water connection cannot be considered.

4. The learned counsel for the first respondent would submit that the first respondent would have serious objection to file a fresh application for grant of fresh water connection to the premises in question, since, according to the first respondent, it will take several years for the Town Panchayat to consider the claim of the first respondent.

5. The learned counsel for the appellant would submit that the first respondent need not have any such apprehension, as the Town Panchayat will consider the application of the first respondent within a time fixed by this Court.

6. In the light of the above, the Writ Appeal is allowed and the order dated 03.10.2016 made in W.P.(MD).No.8800 of 2016, is set aside and instead, the first respondent is directed to submit a fresh application to the appellant for grant of new water connection within a period of one week from the date of receipt of a copy of this Judgment, along with cost, which shall be intimated by the appellant, for effecting such water connection. On such application being submitted, the appellant - Town Panchayat shall consider the same and effect new water connection to the said premises within a period of eight weeks thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar



To

1.The Executive Officer,
Sri Ramapuram Town Panchayat,
Dindigul District.

2.The District Collector,
Dindigul District.

+1cc to M/s.S.KUMAR Advocate in SR. No.60352

+1cc to Mr.SPECIAL GOVERNMENT PLEADER in SR. No.60614

+1cc to M/s. A.MOHAN Advocate in SR. No.60507

NB

JS/SV.MMS/SAR.4/22.06.2017/3P-6C

JUDGMENT MADE IN
W.A. [MD] .No.614 of 2017
and
C.M.P (MD) .No.5108 of 2017
15.06.2017